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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 ELEANOR DUDA, o/b/o ANTHONY
DUDA (deceased),

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE, Commissioner of
12 Social Security,

13 Defendant.

Case No. C08-5582BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

14 This matter comes before the Court on the Report and Recommendation of the
15 Honorable Karen L. Strombom, United States Magistrate Judge. Dkt. 16. The Court having
16 considered the Report and Recommendation, Defendant's failure to file objections, and the
17 remaining record, does hereby find and order:

- 18 (1) The Court adopts the Report and Recommendation; and
19 (2) The Administrative Law Judge's decision is **REVERSED**, and this action is
20 **REMANDED** to the Commissioner for further administrative proceedings in
21 accordance with the Report and Recommendation.

22 DATED this 10th day of August, 2009.

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25 BENJAMIN H. SETTLE
26 United States District Judge
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ORDER